

ZONING BOARD OF APPEALS

Agenda

**Monday, 2/16/17 - 9:00 A.M.
II Centennial Plaza – 5th Floor
805 CENTRAL AVE**

* * * * *

Case No.: Z-4020-2017

Location: 441 Vine Street

Appellant: Oswald Companies

Owner: Carew Realty

Re: Appeal of decision of the Zoning Administrator to deny zoning approval for Oswald's proposed projecting sign to be located at the Vine Street entrance of the Carew Tower in downtown Cincinnati.

Charles Martinez
Zoning Board of Appeals
II Centennial Plaza – 5th Floor
805 Central Ave

Cincinnati, Ohio 45202
Phone (513) 352-3359

ZBA CASE FILE

LOCATION: 441 VINE STREET
REQUEST: REVERSE DENIAL OF PROJECTING SIGN
ZONING DISTRICT: DD-A

INDEX TO THE APPEAL PAPERS FILED WITH THE ZONING BOARD OF APPEALS AND INDEX TO THE COMPLETE HCB RECORD FILE

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RECEIVED

ZONING BOARD OF APPEALS

DATE KM 1/5/17



Application for Appeal to the ZONING BOARD OF APPEALS

11 Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202
Monday- Friday 7:30 am- 4 pm
513-352-1559

17-00381

Section 1. SUBJECT PROPERTY

ADDRESS 441 Vine Street

BASE ZONING CLASSIFICATION "DD" - Downtown Development District

ZONING OVERLAY _____

Section 2. APPELLANT

NAME Oswald Companies

CONTACT PERSON (if legal entity) Moira Gettens

ADDRESS 441 Vine Street, Suite 3410

CITY Cincinnati

STATE Ohio

ZIP 45202

TELEPHONE (513) 725-0306

RELATIONSHIP TO OWNER (if not owner) _____

EMAIL mgettens@oswaldcompanies.com

Section 3. OWNER

NAME Carew Realty

CONTACT PERSON (if legal entity) Joan Hensler-Bittner

ADDRESS 441 Vine Street

CITY Cincinnati

STATE Ohio

ZIP 45202

TELEPHONE (513) 241-3888

RELATIONSHIP TO OWNER (if not owner) _____

EMAIL joan.bittner@carewrealty.com

AUTHORITY OF APPEAL - Indicate the appropriate section of 1449-03 that qualifies you to make an appeal (a) _____

NATURE OF APPEAL - I am appealing a decision/order of the (indicate case #): Zoning Administrator

Director of City Planning and Buildings (1449-13) _____

Zoning Hearing Examiner (1449-15) _____

Historic Conservation Board (1449-15) _____

JUSTIFICATION FOR APPEAL - Attach a separate sheet explaining in detail the basis of your appeal.

SUBMISSION REQUIREMENTS

1. The applicant is required by Section 1449-15(b) of the Zoning Code to file within 21 days of filing notice of appeal; a complete record of the proceeding along with a transcript of all testimony.

FEES:

Residential -- 1, 2, & 3, Family -- \$625 Multi-Family/Commercial -- \$750

2. Nine copies of the complete case file, including this application and a transcript of any public hearing if applicable.
No submittal will be accepted unless these materials are spiral bound or in a notebook, indexed and all pages numbered.

Signature _____

Attorney for Appellant

Date _____

1/4/17

Suder, Sean

From: Shad, Matthew [Matthew.Shad@cincinnati-oh.gov]
Sent: Tuesday, December 06, 2016 8:23 AM
To: Suder, Sean
Cc: joan.bittner@carewrealty.com
Subject: RE: Oswald Sign - Carew Tower

Sean:

I have spent time review the issue with staff and I believe that we still believe our original interpretation is correct.

*1411-39 does not specifically address projecting signs for businesses with no street frontage; however as this is a specific signage section of the code, if it is silent on general aspects of signage, the main signage regulations in 1427 still hold true. Per 1427-21(c), the maximum sign area for all building signs (wall, projecting, marquee, awning/canopy) shall be a multiple of the linear feet of **building frontage occupied by an individual establishment**. Since your client has no frontage, the maximum sign area is zero. The only place in the Zoning Code that specifically makes allowances for interior tenant signage is for properties in Urban Design Overlays (1437). This property is not located in a UDO.*

I understand your client's desire but I do not believe that it has a permission by right in this circumstance.

The property owner and the client may pursue zoning relief. I will remind you that such must be cosigned by the property owner. The given sign as proposed is compelling in its design/size and complementary nature to the existing sign. I would anticipate that a recommendation for approval of this request will review the following:

- Study by the ownership of the total signage provided on the entire exterior of the building
- Potential limitations on the owner for future signs to be placed on the façade (aka this would likely be a one and done opportunity)

Please review these options with the ownership and let me know your joint decision.

M

Matthew Shad, AICP | Zoning Administrator

City of Cincinnati | Buildings & Inspections
Development & Permit Center | 805 Central Avenue, Suite 500 | Cincinnati, OH 45202
513-352-3418 (p) | 513-352-2378 (f) | 513-460-5848 (c) | [Website](#) | [Plan Cincinnati](#)



Date: 10/04/16
Location: 441 Vine Street
Request: Variance
Zoning District: DD-A

Lauren Summe
Triumph Signs & Consulting, Inc.
480 Milford Pkwy
Milford, OH 45150

Dear Ms. Summe:

I have received and reviewed the subject project for compliance with the Zoning Code of the City of Cincinnati. Per Section 1411-39 signage is limited to establishments with direct street frontage. Your project will require the following relief item(s) from the Zoning Hearing Examiner:

- A Variance for a projecting sign for a tenant with no street frontage.

If you have any questions regarding the submission of your Zoning Hearing and the required documents, please contact Kasandra Maynes at 513-352-1559 or visit www.cincinnati-oh.gov/boards and select Zoning Hearing Examiner.

If you decide to revise your plans to meet the Zoning Code, you may apply for a building permit **in person** to the Buildings & Inspections Department at 805 Central Avenue, Suite 500. You **must** provide 3 copies of your plans.

You may also contact me at the information listed below with zoning questions, concerns or to make an appointment.

Sincerely,



Douglas Owen
Zoning Plan Examiner
douglas.owen@cincinnati-oh.gov
513.352.2441

CITY OF CINCINNATI
Buildings and Inspections

R201700201

RECEIPT

CONTRACTOR: OSWALD COMPANIES
MOIRS GETTENS
441 VINE STREET
CINCINNATI OHIO 45202

Payment By Other (Applicant)

RE: PROPERTY LOCATED AT: 441 VINE ST CINC

PERMIT NUMBER: 2017P00381
TYPE: CBPCMFEED Misc Fees Receipt 2016
SUB TYPE: OTH OTHER

NOTATION:

TRANSACTION DATE: January 5, 2017
TOTAL PAYMENT: 750.00

TRANSACTION LIST

Type	Method	Description	Amount
Payment	Check	153830	750.00

ACCOUNT ITEM LIST

Item#	Description	Account Code	Tot Fee	Paid	Prev Pmts	Cur. Pmts
1139	Other Misc. Cha	050-211-2000-8761	750.00	750.00	.00	750.00

ISSUED BY: SSWIFT SAS
DATE: January 5, 2017 11:39 AM

CHECK NO.: 153830

AMOUNT

\$750.00

CALFEE

750

SEVE. FIV



ssuder@calfee.com
513.693.4883 Direct

Calfee, Halter & Griswold LLP
Attorneys at Law

2800 First Financial Center
255 East Fifth Street
Cincinnati, Ohio 45202-4728
513.693.4880 Phone
calfee.com

January 5, 2017

VIA HAND DELIVERY

City of Cincinnati
Zoning Board of Appeals
II Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202

Re: Appeal of Zoning Administrator Determination - Projecting Sign

Hon. Zoning Board of Appeals:

Pursuant to Cincinnati Zoning Code Sections 1449-03(a) and 1449-09(a), our client, Oswald Companies ("Oswald"), is hereby appealing the enclosed decision of the Zoning Administrator to deny zoning approval for Oswald's proposed projecting sign to be located at the Vine Street entrance of the Carew Tower in downtown Cincinnati. The Zoning Administrator's denial is unreasonable, arbitrary, capricious and contrary to applicable law because it:

1. **Ignores the fact that the proposed sign is governed for all purposes under the sign regulations applicable to the "DD" Downtown Development District contained in Zoning Section 1411-39, which permits the proposed sign by-right.**
2. **Applies rules to the proposed sign that do not apply, which extends the scope of the sign regulations to include limitations not clearly prescribed by the Zoning Code.**
3. **Construes the Zoning Code against the property owner and its property rights and in favor of the City.**

Contrary to the Zoning Administrator's determination, the proposed sign meets all of the requirements for a projecting sign in the "DD" Downtown Development District ("DD" District") and is, therefore, permitted by right. The rules cited by the Zoning Administrator to calculate the maximum total sign area apply only to certain zoning districts not including the "DD" District and are, therefore, inapplicable to the proposed sign. To extend these rules to the "DD" District is an unlawful extension of their scope under Ohio law. While the Zoning Code clearly permits the proposed sign as of right, even if the Zoning Administrator's denial had a

legitimate basis, which it does not, the Zoning Administrator's interpretation of the sign regulations would create a conflict that can only be resolved in favor of the property owner under Ohio law.

For all of these reasons and those reasons set forth more fully below, Oswald respectfully request that this Board reverse the Zoning Administrator's decision and order that a permit be issued for the proposed projecting sign.

A. FACTS

Cleveland-based Oswald is a growing presence in the Cincinnati insurance brokerage market and has offices located in the Carew Tower, which is located at 441 Vine Street in the "DD" Downtown Development zoning district. The sign was an important incentive for Oswald to locate its new-to-market office in the heart of downtown Cincinnati in the iconic Carew Tower complex. It is proposed to project from the Vine Street building entrance and directly across from a projecting sign of similar design and dimensions identifying Morton's restaurant. (Tab 5).

In July of last year, Oswald, through its sign provider Triumph Signs & Consulting, Inc. ("Triumph"), communicated its intent to the City to apply for approval of the proposed sign. (E-mail dated July 7, 2016, at Tab 7). City of Cincinnati Zoning Plan Examiner Douglas Owen reviewed the proposed sign submittal. (E-mails dated September 6, 2016, at Tab 7). On September 27, 2016, Mr. Owen followed up with an e-mail to Triumph project manager Lauren Summe preliminarily indicating that the proposed sign was not permitted by the Zoning Code because "[t]he intent of the Code is to allow signage for individual establishments that have separate storefronts or dedicated entrances." (E-mail dated September 27, 2016, at Tab 7).

Upon information and belief, the Zoning Administrator subsequently met with the building owner, Carew Realty, to discuss its overall building exterior signage plans. The Zoning Administrator made his final written determination on the proposed sign by e-mail dated December 6, 2016. (Tab 3).

B. ARGUMENT

1. The Proposed Sign is Governed Solely by the Sign Regulations Contained in the "DD" Downtown Development District and is Permitted By-Right.

Zoning Code Section 1411-39 governs signs in the "DD" District. Section 1411-39 states as follows: "Signs located in any DD subdistrict must comply with the following regulations and with Chapter 718, Revocable Street Privileges, of the Municipal Code."

Section 1411-39 includes detailed regulations for all sign types in the "DD" District, including a list of prohibited signs and a list of permitted signs, which includes projecting signs, street-level wall signs, skywalk-level wall signs, ground signs, building identification signs, marquee signs, murals, and temporary signs such as real estate or construction signs and temporary message signs. In addition, the very detailed and specific regulations of the "DD"

District include rules and regulations on sign dimensions, locations, clearance, lighting, among others.

Section 1411-39(b) contains the following regulations relative to projecting signs in the “DD” District:

(b) Projecting Signs. Projecting signs must comply with the following unless located in a Historic District and approved by the Historic Conservation Board:

(1) Location: Below the third story of a building and extend from the building facade. *(The proposed sign is located at the second level of the building.)*

(2) Maximum Width: 3.5 feet. *(The proposed sign is 3.5 feet wide.)*

(3) Maximum Height: 8 feet. *(The proposed sign is 8 feet high.)*

(4) Required Clearance: A ten-foot clearance above the sidewalk must be maintained. *(The proposed sign is located more than 10 feet above the sidewalk.)*

(5) Lighting: Lighting must be integrated with the sign design and must complement the building. *(The proposed sign contains integrated illumination similar to that of the Morton’s sign.)*

(6) Signs may not conceal any ornamental architectural elements. *(The proposed sign does not conceal any ornamental architectural elements of the building.)*

(7) A revocable street privilege is required for signs projecting into the public right-of-way. *(If a revocable street privilege is required, Oswald will separately pursue it.)*

Because the proposed sign meets all of regulations applicable to projecting signs in the “DD” District set forth in Section 1411-39(b), including the maximum size, it is permitted by-right.

2. The Zoning Administrator is Basing His Denial on Rules that Do Not Apply.

The Zoning Administrator cites the signage regulations of Zoning Code Chapter 1427 as the basis of his denial. Section 1427-05, “Applicability,” expressly states that Chapter 1427 is not applicable to signs in the “DD” District, and that where there are inconsistencies between the more general regulations in Chapter 1427 and the more specific regulations in the “DD” District, the regulations in Chapter 1411 specific to the “DD” District govern. This makes sense as the

“DD” District regulations are specifically tailored to property in the Cincinnati Central Business District, reflecting the uniqueness of district.

Furthermore, Section 1427-27 regulates projecting signs except where “more specifically regulated elsewhere in this Chapter or by the District regulations applicable to the zoning district in which the sign is located.” (emphasis added). Therefore, by its very terms, Section 1427-27 does not apply to projecting signs in the “DD” District because Section 1411-39(b) more specifically regulates projecting signs located in the “DD” District.

The Zoning Administrator cites Section 1427-21(c), “Maximum Total Sign Area” as the specific basis for his denial. He claims that the measurement calculation rules in Section 1427-21(c) prohibits the proposed projecting sign because Oswald does not occupy any building frontage. This may be so in certain other zoning districts in the City, but not in the “DD” District.

Section 1427-21 sets forth rules that are to be applied when calculating compliance with the maximum total sign area in Zoning Code Sections 1427-35(a) (Sign Standards for the O Districts), 1427-37(a) (Sign Standards for the C and UM Districts), and 1427-39(a) (Sign Standards for the M, RF-R, RF-C and RF-M Districts):

In determining compliance with the maximum total sign area (See § 1427-35-(a), § 1427-37-(a), and § 1427-39-(a)), the following rules apply:

(emphasis added). The measurement rules set forth in Section 1427-21 do not apply to signs in the “DD” District because the size of signs in the “DD” District is controlled by the maximum height and width requirements in Section 1411-39(b)(2), (3). The maximum sign area for a projecting sign in the “DD” District is very clearly 28 square feet, which is consistent with the maximum sign area for projecting signs generally in the Zoning Code (See Section 1427-27). Determining the maximum sign area for a projecting sign in the “DD” District is a very simple calculation that needs no explanation or additional rules.

For signs in the “O”, “C”, “UM”, “M” and “RF” districts, the Zoning Code contains specific rules for how to measure the maximum sign area. If Section 1427-21 was intended to apply to projecting signs in the “DD” District, then Chapter 1427 would include specific provisions relative to the “DD” District as it does for other zoning districts. The calculation rules in 1427-21 are simply inapplicable here. It is improper for the Zoning Administrator to extend them by implication to the instant sign.

Chapter 1411 allows a projecting sign by-right where it meets the requirements for a projecting sign in the “DD” District. Because the proposed projecting sign satisfies the requirements for projecting signs in Section 1411-39, it is permitted by-right.\

3. The Zoning Administrator Must Interpret the Zoning Code Most Favorably to Oswald.

While we maintain that Oswald is entitled to the proposed projecting sign under a plain reading of the Zoning Code, where the language of a zoning code is unclear and requires interpretation, under Ohio law regulations are strictly construed against the drafter and in favor of the property owner's use of their property. *Cleveland Clinic Found. v. Bd. of Zoning Appeals*, 141 Ohio St. 3d 318, citing *Univ. Circle, Inc. v. Cleveland*, 56 Ohio St.2d 180, 184, 383 N.E.2d 139 (1978).

Zoning ordinances are to be construed in favor of the property owner because they are in derogation of the common law and deprive the property owner of uses to which the owner would otherwise be entitled. Thus, we have long held that restrictions imposed on the use of private property via ordinance, resolution, or statute must be strictly construed, and the scope of the restrictions cannot be extended to include limitations not clearly prescribed.

(emphasis added). *Cleveland Clinic Found. v. Bd. of Zoning Appeals*, 141 Ohio St. 3d 318; see *Saunders v. Clark Cty. Zoning Dept.*, 66 Ohio St.2d 259, 261 (1981); see also *State ex. rel. Moore Oil Co. v. Dauben*, 99 Ohio St. 406 (1919). The Ohio Supreme Court further clarified this rule by holding that “[i]n other words, **we do not permit zoning ‘limitations by implication.’**” *Cleveland Clinic Found. v. Bd. of Zoning Appeals*, 141 Ohio St. 3d 318, citing *Henley v. Youngstown Bd. of Zoning Appeals*, 90 Ohio St.3d at 152.

The Zoning Administrator cannot extend rules limiting Oswald's right to a projecting sign by implication. To conclude otherwise would be to add words to the Zoning Code that do not exist and to extend the scope of regulations to include limitations not clearly prescribed in the “DD” District, which is contrary to Ohio law.

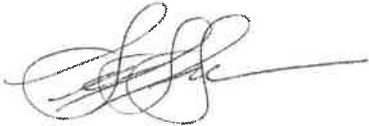
C. CONCLUSION

The Zoning Administrator's decision to deprive Oswald of the proposed projecting sign is not only unreasonable, arbitrary, and capricious, but it violates the fundamental principles of Ohio property rights. The Zoning Code provides clear maximum sign dimensions for a projecting sign in the “DD” District and Oswald meets those requirements. Therefore, the proposed projecting sign is permitted as of right and it would be arbitrary, unreasonable, capricious and contrary to Ohio law to limit that right by applying inapplicable rules or extending the scope of regulations to include limitations on the sign that do not exist.

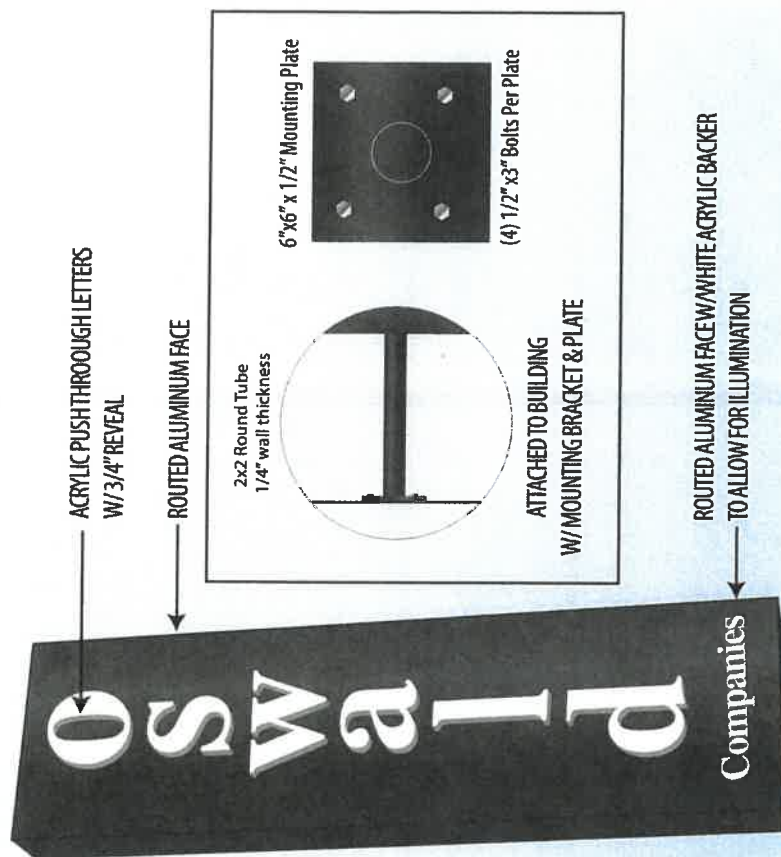
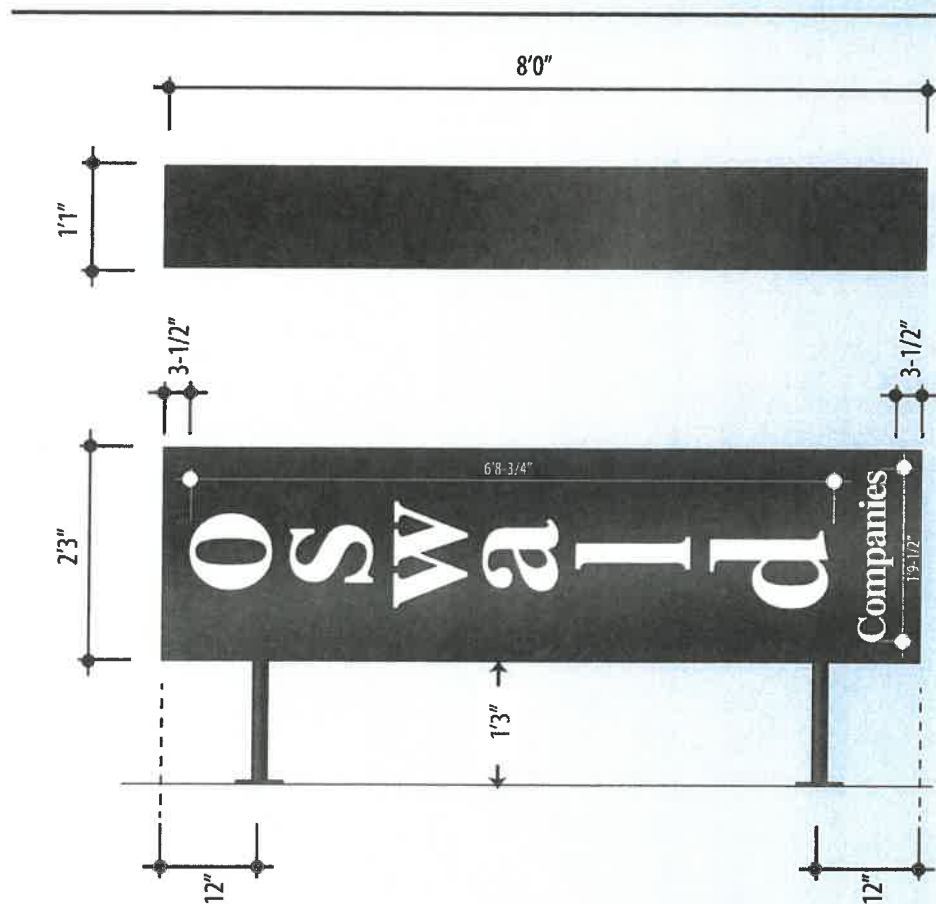
For this reason, and all of the reasons set forth herein, we respectfully request that the Zoning Board of Appeals reverse the Zoning Administrator's determination and to direct the City to grant zoning approval for the proposed sign.

Thank you for your consideration of this matter. Included herewith are the required submissions for Phase I and Phase II, including a check in an amount of \$750.00 representing the commercial filing fee. Should you have any questions, please feel free to contact me at (513) 693-4483.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SS', with a long horizontal line extending to the right.

Sean S. Suder
Partner





NEW OSWALD SIGN TO ALIGN WITH EXISTING MORTONS SIGN



TRIUMPH
signs & consulting, inc.

480 Milford Parkway • Milford, OH 45150
phone 513-576-8090 • fax 513-576-8095
visit us at www.triumphsigns.com

START DATE: 8/19/16 SCALE: PROPORTIONATE
DESIGNED BY: P0 APPROVED BY: _____

REVISION DATES:					
1.	_____	4.	_____		
2.	_____	5.	_____		
3.	_____	6.	_____		

PRODUCTION

COMPANY NAME: OSWALD COMPANIES

ADDRESS: 441 Vine Street, Ste. 3410, Cincinnati, OH 45202

CONTACT INFO: _____

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SEARCH | LOGIN | REGISTER | HELP | CONTACT

441 Vine Street, Ste. 3410, Cincinnati, United States, OH 45202

Elizabeth Thieme <ecasique@triumphsigns.com>

Thu, Jul 7, 2016 at 10:11 AM

To: "douglas.owen@cincinnati-oh.gov" <douglas.owen@cincinnati-oh.gov>

Cc: Lauren Summe <lsumme@triumphsigns.com>

Hi Doug,

I have another project downtown and was wondering if you could tell me what zone this property is in and what is allotted as far as signage.

Thanks for your help!

Elizabeth Thieme

National Sales Executive

Triumph Signs & Consulting, Inc.

480 Milford Pkwy | Milford, OH 45150

P: 513.576.8090 ext. 23 | C: 513.265.4819

www.triumphsigns.com

Owen, Douglas <Douglas.Owen@cincinnati-oh.gov>

Thu, Jul 7, 2016 at 11:09 AM

To: Elizabeth Thieme <ecasique@triumphsigns.com>

Cc: Lauren Summe <lsumme@triumphsigns.com>

Hi Elizabeth,

The property is in the Downtown Development (DD) Zoning District. Wall signs are limited to 1 square foot per linear foot of building frontage. Additional regulations can be found at the link below.

https://www.municode.com/library/oh/cincinnati/codes/code_of_ordinances?nodeId=TIXIZOCOCI_CH1411DODEDI_S1411-39SI

Thank you,

Douglas Owen | Zoning Plan Examiner

City of Cincinnati
(513)352-2441

From: Elizabeth Thieme [mailto:ecasique@triumphsigns.com]
Sent: Thursday, July 07, 2016 10:11 AM
To: Owen, Douglas
Cc: Lauren Summe
Subject: 441 Vine Street, Ste. 3410, Cincinnati, United States, OH 45202

[Quoted text hidden]

Elizabeth Thieme <ecasique@triumphsigns.com>
To: "Owen, Douglas" <Douglas.Owen@cincinnati-oh.gov>
Cc: Lauren Summe <lsumme@triumphsigns.com>

Thu, Jul 7, 2016 at 11:27 AM

Thank you so much!

Elizabeth Thieme
National Sales Executive
Triumph Signs & Consulting, Inc.
480 Milford Pkwy | Milford, OH 45150
P: 513.576.8090 ext. 23 | C: 513.265.4819
www.triumphsigns.com

From: "Owen, Douglas" <Douglas.Owen@cincinnati-oh.gov>
Date: Thursday, July 7, 2016 at 11:09 AM
To: Elizabeth Casique <ecasique@triumphsigns.com>
Cc: Lauren Summe <lsumme@triumphsigns.com>
Subject: RE: 441 Vine Street, Ste. 3410, Cincinnati, United States, OH 45202

[Quoted text hidden]

Owen, Douglas <Douglas.Owen@cincinnati-oh.gov>
To: Elizabeth Thieme <ecasique@triumphsigns.com>
Cc: Lauren Summe <lsumme@triumphsigns.com>

Thu, Jul 7, 2016 at 11:28 AM

Happy to help. Let me know if you have any questions on the specifics of the project.

Thanks,

Douglas Owen | Zoning Plan Examiner

City of Cincinnati
(513)352-2441

From: Elizabeth Thieme [mailto:ecasique@triumphsigns.com]
Sent: Thursday, July 07, 2016 11:28 AM
To: Owen, Douglas
Cc: Lauren Summe
Subject: Re: 441 Vine Street, Ste. 3410, Cincinnati, United States, OH 45202

[Quoted text hidden]

Lauren Summe <lsomme@triumphsigns.com>
To: "Owen, Douglas" <Douglas.Owen@cincinnati-oh.gov>

Tue, Sep 6, 2016 at 1:52 PM

Good afternoon,

I am working with Elizabeth on the Oswald sign project at 441 Vine Street. Attached is the final rendering that has been approved by the customer. Do you need the overall frontage dimensions of the building or just the area that Oswald occupies for permitting?

Thank you and I appreciate your help.

Lauren Summe

Project Manager

Triumph Signs & Consulting, Inc.

480 Milford Pkwy | Milford, OH 45150

O: [513.576.8090](tel:513.576.8090) ext.14 | C: [513.305.4874](tel:513.305.4874)

www.triumphsigns.com

From: Elizabeth Thieme <ecasique@triumphsigns.com>
Date: Thursday, July 7, 2016 at 11:27 AM
To: "Owen, Douglas" <Douglas.Owen@cincinnati-oh.gov>
Cc: Lauren Summe <lsomme@triumphsigns.com>
Subject: Re: 441 Vine Street, Ste. 3410, Cincinnati, United States, OH 45202

[Quoted text hidden]

 **Artwork_2016-04914_PRODUCTION_Oswald Companies _ Downtown Cincinnati, OH _ Blade Sign.pdf**
1126K

Owen, Douglas <Douglas.Owen@cincinnati-oh.gov>
To: Lauren Summe <lsomme@triumphsigns.com>

Tue, Sep 6, 2016 at 3:15 PM

Hi Lauren,

We will need to see what signage currently exists on the frontage that is occupied by Oswald as well as the frontage length. The size of the sign should be fine as projecting signs are only limited to a maximum of 3.5' in width by 8' in height. Signs are limited to two types of sign per establishment (wall, window, projecting, etc.)

and signage must be placed at a separated entrance to the establishment. Signs for companies on the interior of buildings are typically not permitted.

The only other thing to think about is that the sign must be placed below the third story of the building and at least 10 feet above the sidewalk. The sign also may not conceal any ornamental architectural elements. You can submit this drawing with your building permit application and we will also need an elevation showing where it will be placed on the building. In addition to the building permit application, you will need to submit a Revocable Street Privilege application to DOTE. Let me know if you have any other questions or need clarification on anything.

Thanks,

Douglas Owen | Zoning Plan Examiner

City of Cincinnati
(513)352-2441

From: Lauren Summe [mailto:lsumme@triumphsigns.com]
Sent: Tuesday, September 06, 2016 1:53 PM
To: Owen, Douglas

[Quoted text hidden]

[Quoted text hidden]

Lauren Summe <lsumme@triumphsigns.com>
To: "Owen, Douglas" <Douglas.Owen@cincinnati-oh.gov>

Tue, Sep 6, 2016 at 4:03 PM

Hi Doug,

Thank you for your help. We will conduct a survey to obtain all of this information to include with our application.

Lauren Summe
Project Manager
Triumph Signs & Consulting, Inc.
480 Milford Pkwy | Milford, OH 45150
O: 513.576.8090 ext.14 | C: 513.305.4874
www.triumphsigns.com

From: <Owen>, Douglas <Douglas.Owen@cincinnati-oh.gov>

Date: Tuesday, September 6, 2016 at 3:15 PM

To: Lauren Summe <lsomme@triumphsigns.com>

[Quoted text hidden]

[Quoted text hidden]

Lauren Summe <lsomme@triumphsigns.com>

Mon, Sep 26, 2016 at 1:59 PM

To: "Owen, Douglas" <Douglas.Owen@cincinnati-oh.gov>

Good afternoon Doug,

Attached are our revised drawings based off of the survey we conducted. We obtained survey information of the Morton's blade sign so we can mimic the size and mounting method. We also obtained height from the sign to the side walk as well as the length of the building. I know we last left off agreeing that you would take a look at our proposal and let me know if this is okay to submit for permitting. Please let me know your thoughts and if you need any additional information.

Thank you very much for your assistance.

[Quoted text hidden]

--

Lauren Summe

Project Manager

Triumph Signs & Consulting, Inc.

480 Milford Pkwy. | Milford, OH 45150

O: 513.576.8090 | M: 513.305.4874

 **2016-04914_ARTWORK_PERMITTING_Oswald Companies _ Downtown Cincinnati, OH _ Blade Sign.pdf**
1121K

Owen, Douglas <Douglas.Owen@cincinnati-oh.gov>

Tue, Sep 27, 2016 at 10:08 AM

To: Lauren Summe <lsomme@triumphsigns.com>

Hi Lauren,

It looks like this location shows the Carew Tower entrance and a Subway storefront. Conditions may have changed since this street view image. Does Oswald Companies have actual street frontage or a dedicated entrance on Vine Street? Morton's is able to have a projecting sign because they have a dedicated entrance off Vine Street that is separate from the Carew Tower entrance.

Douglas Owen | Zoning Plan Examiner

City of Cincinnati
(513)352-2441

From: Lauren Summe [<mailto:lsomme@triumphsigns.com>]

Sent: Monday, September 26, 2016 2:00 PM

[Quoted text hidden]

[Quoted text hidden]

Lauren Summe <lsumme@triumphsigns.com>
To: "Owen, Douglas" <Douglas.Owen@cincinnati-oh.gov>

Tue, Sep 27, 2016 at 10:27 AM

Hi Doug,

Oswald does not have its own dedicated entrance off of Vine Street but the landlord has approved for them to put a sign by the Carew Tower entrance. Would a letter of approval from the landlord help?

Thank you,

[Quoted text hidden]

Owen, Douglas <Douglas.Owen@cincinnati-oh.gov>
To: Lauren Summe <lsumme@triumphsigns.com>

Tue, Sep 27, 2016 at 10:36 AM

Unfortunately, even if the landlord approves it would still not comply with the City's Zoning regulations. The intent of the Code is to allow signage for individual establishments that have separate storefronts or dedicated entrances. We don't allow businesses that operate from the interior/ upper floors to have individual signage because it would result in buildings covered in signage. These types of establishments typically rely on directory-type signs.

Of course, you always have the right to apply for a variance where you could include a letter from the landlord, however, Carew Tower is already over-signed and I honestly don't think the chances of approval would be very good. Let me know if you have any other questions about this, or would like more information. Feel free to call if you'd like to discuss it over the phone.

Thanks,

Douglas Owen | Zoning Plan Examiner

City of Cincinnati
(513)352-2441

From: Lauren Summe [mailto:lsumme@triumphsigns.com]
Sent: Tuesday, September 27, 2016 10:27 AM
To: Owen, Douglas

[Quoted text hidden]

[Quoted text hidden]

Lauren Summe <lsumme@triumphsigns.com>
To: Elizabeth Thieme <ecasique@triumphsigns.com>

Tue, Sep 27, 2016 at 11:09 AM

Let me know if you want me to proceed with the variance process (there are additional costs for variance applications).

----- Forwarded message -----

From: **Owen, Douglas** <Douglas.Owen@cincinnati-oh.gov>
Date: Tue, Sep 27, 2016 at 10:36 AM
Subject: RE: 441 Vine Street, Ste. 3410, Cincinnati, United States, OH 45202
[Quoted text hidden]
[Quoted text hidden]

Lauren Summe <lsumme@triumphsigns.com>
To: "Owen, Douglas" <Douglas.Owen@cincinnati-oh.gov>

Tue, Oct 4, 2016 at 10:12 AM

Good morning Doug,

The customer wants to proceed with the variance process. Can you forward me an application or provide direction of where I can locate it online as well as the dollar amount that needs to be submitted with the application?

Thank you for your help.
[Quoted text hidden]

Owen, Douglas <Douglas.Owen@cincinnati-oh.gov>
To: Lauren Summe <lsumme@triumphsigns.com>

Tue, Oct 4, 2016 at 10:52 AM

Hi Lauren,

Attached, please find the Application for Zoning Relief and a Preliminary Zoning Letter that will need to accompany the application. Our fee schedule has recently changed. Applications for commercial projects are now \$400. Let me know if you have any questions as you go through the application process.

Thank you,

Douglas Owen | Zoning Plan Examiner

City of Cincinnati
(513)352-2441

From: Lauren Summe [mailto:lsumme@triumphsigns.com]
Sent: Tuesday, October 04, 2016 10:12 AM

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[Quoted text hidden]

2 attachments



App Zoning Relief - variance.pdf
652K



441 Vine Pre-Zoning Letter.pdf
63K

Lauren Summe <lsumme@triumphsigns.com>
To: "Owen, Douglas" <Douglas.Owen@cincinnati-oh.gov>

Tue, Oct 4, 2016 at 10:59 AM

Thank you, Doug. I certainly will.

[Quoted text hidden]

Lauren Summe <lsumme@triumphsigns.com>
To: "Owen, Douglas" <Douglas.Owen@cincinnati-oh.gov>

Mon, Oct 10, 2016 at 4:32 PM

Hi Doug,

I am having trouble locating where in the zoning code it specifies that it is required that the tenant has to have street frontage. Can you point this out to me?

Thank you for your help.

[Quoted text hidden]

Owen, Douglas <Douglas.Owen@cincinnati-oh.gov>
To: Lauren Summe <lsumme@triumphsigns.com>

Tue, Oct 11, 2016 at 10:23 AM

Hi Lauren,

I apologize, I should have been more specific in my preliminary zoning letter. 1411-39 does not specifically address projecting signs for businesses with no street frontage; however as this is a specific signage section of the code, if it is silent on general aspects of signage, the main signage regulations in 1427 still hold true. Per 1427-21(c), the maximum sign area for all building signs (wall, projecting, marquee, awning/canopy) shall be a multiple of the linear feet of **building frontage occupied by an individual establishment**. Since your client has no frontage, the maximum sign area is zero. The only place in the Zoning Code that specifically makes allowances for interior tenant signage is for properties in Urban Design Overlays (1437). This property is not located in a UDO.

We do not believe the intent of the Zoning Code is to allow signage for interior tenants. If this were the case, downtown buildings would be covered with projecting signs. Sean Suder of the Graydon Head & Ritchey law firm has contacted me about our interpretation. I have relayed this same information to him, but have yet to hear back from him.

If you decide to apply for Zoning Relief, we will need to know exactly how much square footage of signage already exists on the Vine Street frontage of the entire building (wall, window, awning, and projecting) and we would like to speak with the owner or manager of the property to determine a sign plan going forward, if possible. Carew Tower is already heavily signed with multiple sign types. A discussion with the owner could be beneficial to all parties.

Thank you,

Douglas Owen | Zoning Plan Examiner

City of Cincinnati
(513)352-2441

From: Lauren Summe [mailto:lsomme@triumphsigns.com]
Sent: Monday, October 10, 2016 4:33 PM

[Quoted text hidden]

[Quoted text hidden]

Lauren Summe <lsomme@triumphsigns.com>
To: Elizabeth Thieme <ecasique@triumphsigns.com>

Tue, Oct 11, 2016 at 10:24 AM

----- Forwarded message -----

From: **Owen, Douglas** <Douglas.Owen@cincinnati-oh.gov>
Date: Tue, Oct 11, 2016 at 10:23 AM
Subject: RE: 441 Vine Street, Ste. 3410, Cincinnati, United States, OH 45202

[Quoted text hidden]

[Quoted text hidden]

Lauren Summe <lsomme@triumphsigns.com>
To: Elizabeth Thieme <ecasique@triumphsigns.com>

Tue, Oct 11, 2016 at 10:24 AM

We'll need to go down and survey all signs on the Vine Street frontage (additional cost approval) if we want to move forward.

[Quoted text hidden]

Lauren Summe <lsomme@triumphsigns.com>
To: "Owen, Douglas" <Douglas.Owen@cincinnati-oh.gov>

Tue, Oct 11, 2016 at 10:40 AM

Hi Doug,

Thank you very much for this information. I will communicate this to Sean, the customer and the property owner and establish if/how they would like to move forward.

Thank you again,

[Quoted text hidden]

Suder, Sean

From: Shad, Matthew [Matthew.Shad@cincinnati-oh.gov]
Sent: Tuesday, December 06, 2016 8:23 AM
To: Suder, Sean
cc: joan.bittner@carewrealty.com
Subject: RE: Oswald Sign - Carew Tower

Sean:

I have spent time review the issue with staff and I believe that we still believe our original interpretation is correct.

*1411-39 does not specifically address projecting signs for businesses with no street frontage; however as this is a specific signage section of the code, if it is silent on general aspects of signage, the main signage regulations in 1427 still hold true. Per 1427-21(c), the maximum sign area for all building signs (wall, projecting, marquee, awning/canopy) shall be a multiple of the linear feet of **building frontage occupied by an individual establishment**. Since your client has no frontage, the maximum sign area is zero. The only place in the Zoning Code that specifically makes allowances for interior tenant signage is for properties in Urban Design Overlays (1437). This property is not located in a UDO.*

I understand your client's desire but I do not believe that it has a permission by right in this circumstance.

The property owner and the client may pursue zoning relief. I will remind you that such must be cosigned by the property owner. The given sign as proposed is compelling in its design/size and complementary nature to the existing sign. I would anticipate that a recommendation for approval of this request will review the following:

- Study by the ownership of the total signage provided on the entire exterior of the building
- Potential limitations on the owner for future signs to be placed on the façade (aka this would likely be a one and done opportunity)

Please review these options with the ownership and let me know your joint decision.

M

Matthew Shad, AICP | Zoning Administrator

City of Cincinnati | Buildings & Inspections
Development & Permit Center | 805 Central Avenue, Suite 500 | Cincinnati, OH 45202
513-352-3418 (p) | 513-352-2378 (f) | 513-460-5848 (c) | [Website](#) | [Plan Cincinnati](#)



Date: 10/04/16
Location: 441 Vine Street
Request: Variance
Zoning District: DD-A

Lauren Summe
Triumph Signs & Consulting, Inc.
480 Milford Pkwy
Milford, OH 45150

Dear Ms. Summe:

I have received and reviewed the subject project for compliance with the Zoning Code of the City of Cincinnati. Per Section 1411-39 signage is limited to establishments with direct street frontage. Your project will require the following relief items(s) from the Zoning Hearing Examiner:

- A Variance for a projecting sign for a tenant with no street frontage.

If you have any questions regarding the submission of your Zoning Hearing and the required documents, please contact Kasandra Maynes at 513-352-1559 or visit www.cincinnati-oh.gov/boards and select Zoning Hearing Examiner.

If you decide to revise your plans to meet the Zoning Code, you may apply for a building permit **in person** to the Buildings & Inspections Department at 805 Central Avenue, Suite 500. You **must** provide 3 copies of your plans.

You may also contact me at the information listed below with zoning questions, concerns or to make an appointment.

Sincerely,



Douglas Owen
Zoning Plan Examiner
douglas.owen@cincinnati-oh.gov
513.352.2441